

Health and Human Services

See full summary documents for additional detail

H50 - Allow Hyperbaric Oxygen Therapy for Traumatic Brain Injury and Posttraumatic Stress Disorder. (SL 2019-175)

S.L. 2019-175 enacts the North Carolina Veterans Traumatic Brain Injury and Posttraumatic Stress Disorder Treatment and Recovery Act of 2019. It provides that any veteran residing in North Carolina and diagnosed with traumatic brain injury or posttraumatic stress disorder by an authorized medical professional may receive hyperbaric oxygen therapy treatment in the State.

This act became effective October 1, 2019.

H70 - Delay NC HealthConnex for Certain Providers. (SL 2019-23)

S.L. 2019-23 amends G.S. 90-414.4 to (1) extend the deadline by which providers not mentioned elsewhere in the statute have to connect to the Health Information Exchange (HIE) to June 1, 2020, (2) allow psychiatrists and the State Laboratory of Public Health until June 1, 2021, before they are required to connect, (3) allow State health care facilities until June 1, 2021, until they are required to submit claims data, (4) allow DHHS to extend the connection deadline for providers making a good faith effort to connect to June 1, 2020, (5) allow the Secretary of Health and Human Services to exempt classes of providers from connecting to the HIE through December 31, 2022, and (6) make connection to the HIE voluntary for several types of providers.

This act became effective June 6, 2019

H75 - School Safety Funds, Programs, and Reports. (SL 2019-222)

S.L. 2019-222 appropriates funding and makes changes to programs and reports related to school safety.

Section 2.1: Census of School Resource Officers

Section 2.1 of S.L. 2019-222 directs the Center for Safer Schools (Center) to conduct an annual census of school resource officers located in each public school unit. The Center must submit this information to the Joint Legislative Education Oversight Committee by March 1 annually. The report must include the following information:

- The total number of school resource officers in the State and in each public school unit.
- Data regarding school resources officers' education levels, years as sworn law enforcement officers, and years as school resource officers.
- Training required of school resource officers and training actually completed by school resource officers, including training specific to the position of school resource officer and other advanced or additional training.
- The funding source for all school resource officers.
- The location of school resource officers, differentiated by grade levels and type of public school unit.

- The percentage of school resource officers assigned to more than one school.
- The law enforcement affiliation of school resource officers.

Section 3.1: School Safety Grant Programs

Section 3.1 of S.L. 2019-222 codifies grants for school resource officers and provides additional nonrecurring grants in 2019-2020 for students in crisis, training to increase school safety, and safety equipment in schools.

Section 4.1: School Mental Health Crisis Response Program

Section 4.1 of S.L. 2019-222 directs the Department of Public Instruction (DPI) and the Center for Safer Schools, in consultation with the Department of Health and Human Services and the Department of Public Safety, Division of Emergency Management, to develop a recommended program to facilitate the transfer of school mental health support personnel between school districts during or after a crisis. By no later than March 15, 2020, DPI is required to submit a report on the recommended program to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services that includes, at a minimum, all of the following information:

- A suggested protocol for receiving and relaying requests for additional school mental health support personnel.
- Any anticipated costs associated with temporary transfers of personnel.
- Information about any similar programs in other states.
- Any additional recommendations for improving how local school administrative units can share school mental health support personnel.

Section 5.1: School Mental Health Support Personnel Reports and Funds

Section 5.1 of S.L. 2019-222 requires annual local and statewide reports on differences in the number of school mental health support personnel in the State from year to year. Additionally, the section appropriates \$20 million for the 2019-2020 fiscal year and \$23 million for the 2020-2021 fiscal year to the Instructional Support Allotment, with the intent that these additional funds be used for additional school mental health support personnel.

Section 6.1: School Psychologists and School Counselor Position Study

Section 6.1 of S.L. 2019-222 directs the Department of Public Instruction (DPI) to study and report on school psychologists and school counselor positions. The study and report must include a review of at least the following:

- The number of school psychologist and school counselor positions in the State and in each local school administrative unit (LEA).
- The allocation of school psychologists and school counselors in each LEA among schools within those units.
- The methodology each LEA uses to determine the allocation of school psychologists and school counselors within the LEA.
- The density of school psychologists and school counselors in each geographic region of the State.
- The number, percentage, and average salary of school psychologist and school counselor positions funded with State dollars and funded with non-State dollars.
- The extent to which LEAs provide school psychologists and school counselors with local salary supplements and the amounts of those salary supplements.

- Job descriptions posted for school psychologist and school counselor positions as compared to actual duties of school counselors.

DPI must submit a survey to LEAs no later than November 1, 2019, on any topics identified above that can be answered by an LEA. LEAs must respond to the survey by January 31, 2020. DPI must consolidate the information reported by the LEAs, provide context and analysis, as necessary, and report the results of its study to the Joint Legislative Education Oversight Committee and the Fiscal Research Division no later than April 1, 2020.

This act became effective July 1, 2019, except as otherwise provided in the act.

H106 - Inmate Health Care & 340B Program. (SL 2019-135)

S.L. 2019-135 makes a number of changes in to improve medical care to inmates and contain costs.

- Part I of the act requires the Department of Public Safety (DPS) to develop a plan to increase the use of the Central Prison Healthcare Complex and to submit the plan to the Joint Legislative Oversight Committee on Justice and Public Safety; requires a quarterly report on the reimbursement rate for contracted providers; adds a new statute pertaining to Medicaid services for inmates and requires progress reports; requires the issuance of two Requests for Proposals (RFP) to develop an electronic inventory system for medical supplies; requires DPS to study and develop initiatives pertaining to the salaries of all in-prison health services employees; and requires the establishment of a telemedicine pilot program to provide physical health services to inmates.
- Part II requires DPS to partner with the Department of Health and Human Services to access medication pricing under the federal 340B Program; requires DPS to issue a RFP for partnerships between entities covered under the federal 340B Program and four prison regions; requires DPS to develop a Memorandum of Agreement with the University of North Carolina Healthcare Services for the 340B Program; requires periodic reporting; and codifies reporting requirements.

The section of the act pertaining to Medicaid services for inmates and related reporting requirements became effective October 1, 2019, the remainder of the act became effective July 19, 2019.

H108 - PED/Safekeeper Health Care Cost Recov. Pract. (SL 2019-171)

S.L. 2019-171 modifies the data collection and cost recovery practices for health care services provided to inmates who are transferred from a local jail to the State prison system pursuant to a safekeeping order.

This act became effective October 1, 2019, and applies to all prisoners transferred on or after that date.

H200 - 2019 Storm Recovery/Var. Budget Corrections. (SL 2019-250)

S.L. 2019-250 provides funds for (i) disaster relief from Hurricane Dorian (ii) resiliency measures against future storms, and (iii) the Rural Health Care Stabilization Fund. It also makes corrections to various budget-related bills and enacts certain budget provisions from House Bill 966, 2019 Regular Session.

Sections 3.6 and 3.7 became effective July 1, 2019. Section 3.8 became effective May 16, 2019. The remainder of the act became effective November 18, 2019.

H228 - Modernize Laws Pertaining to NC Medical Board. (SL 2019-191)

S.L. 2019-191 modernizes the laws governing the North Carolina Medical Board (Board) and the practice of medicine including:

- Authorizing the Board to collect a background check fee from applicants and to remit that fee to the Department of Public Safety
- Creating an affirmative duty for licensees to report suspected sexual misconduct, fraudulent prescribing, drug diversion, or theft to the Board.
- Requiring 130 weeks of medical education for a physician license.
- Increasing civil penalties for practice outside the scope of various limited purpose licenses.
- Removing geographic limits on where the Board can meet (currently, Raleigh) and allow the Superior Court in the county where the Board is located to hear appeals of decisions not to issue a license and appeals of disciplinary action (currently, Wake County Superior Court)
- Clarifying the Board's disciplinary authority including authority over applicants and inactive licenses
- Authorizing reasonable fees for copying medical records based on the actual cost of copying.
- Creating a new criminal offense punishable as a Class C felony for sexual contact or penetration under pretext of medical treatment.
- Allowing death certificates to be completed by any physician, physician assistant, or nurse practitioner who took reasonable efforts to determine the patient's cause of death.
- Removing the Board's authority to set fees by regulation and maintain fees set by regulation as of June 1, 2019.

Technical changes to the composition of the Board's membership became effective October 31, 2019. The new criminal offenses became effective December 1, 2019, and applied to offenses committed on or after that date. The remainder of the act became effective October 1, 2019.

H268 - Amend On-Site Wastewater Laws. (SL 2019-151)

S.L. 2019-151 disapproves certain wastewater rules adopted by the North Carolina Commission for Public Health, creates a task force to study and recommend new wastewater rules to the Commission, amends the approval process for wastewater dispersal systems, and allows soil scientists to approve non-engineered wastewater systems.

This act became effective July 22, 2019.

H325 - Opioid Epidemic Response Act. (SL 2019-159)

S.L. 2019-159 removes the registration requirement for buprenorphine prescribers, decriminalizes the use of drug testing equipment, broadens the objectives of syringe exchange programs, and removes the restriction on using State funds to purchase to purchase needles, hypodermic syringes, or other injection supplies.

This act became effective July 22, 2019.

H388 - Immunizing Pharmacists. (SL 2019-21)

S.L. 2019-21 expands the vaccinations that may be administered by an immunizing pharmacist to allow: 1) persons age 18 and older to receive the Serogroup B meningococcal vaccines, the Human Papillomavirus vaccine, and the Hepatitis A vaccine; 2) children at least age 10 (previously age 14) to receive the influenza vaccine; and 3) children age 6 and up to age 10 to receive the influenza vaccine following a physical examination and prescription order initiated by a provider. A screening questionnaire and safety procedures will be developed for the vaccinations and submitted to the Joint Legislative Oversight Committee on Health and Human Services no later than September 15, 2019.

The authority for immunizing pharmacists to administer additional vaccinations or immunizations became effective October 1, 2019, the remainder of the act became effective June 3, 2019.

H548 - Modify Physical Therapy Definition. (SL 2019-43)

S. L. 2019-43 removes the practice of chiropractic from the definition of physical therapy.

The act became effective October 1, 2019.

H555 - Medicaid Transformation Implementation. (Ratified)

House Bill 555 provides funding for the operation of the Medicaid program and the transition to managed care during the 2019-2021 fiscal biennium and makes other changes necessary for the transition of the Medicaid program to managed care as required by Medicaid Transformation legislation that was enacted in 2015.

This bill has various effective dates. Please see the full summary for more detail.

This bill was vetoed by the Governor on August 30, 2019, has not been overridden by the General Assembly, and has not become law.

H656 - Medicaid Changes for Transformation. (SL 2019-81)

S.L. 2019-81 makes changes to the Medicaid and Health Choice appeals statutes, and to other laws pertaining to the Medicaid and Health Choice programs, that are necessary to implement the transition of these programs to a managed care environment and to capitated contracts with Prepaid Health Plans, as required by the Medicaid Transformation legislation that was enacted in 2015.

This act has various effective dates. Please see the full summary for more detail.

H658 - Allow Donations of Unexpired Drugs. (SL 2019-54)

S.L. 2019-54 amends the criteria for drugs donated to pharmacists or free clinics participating in the Drug, Supplies, and Medical Device Repository Program to allow the donation of drugs that have not reached the expiration date, rather than requiring the drug to have an expiration date that is six months from the date the drug was donated.

The act became effective June 26, 2019.

H735 - Adopt Rules Incorporating 2017 Food Code. (SL 2019-129)

S.L. 2019-129 allows the Commission for Public Health to adopt rules to incorporate all or part of the 2017 United States Food and Drug Administration Food Code.

This act became effective July 19, 2019.

H761 - Clarify Wastewater Permitting Liability. (SL 2019-126)

S.L. 2019-126 provides that the Department of Health and Human Services, its authorized agents, and local health departments bear no liability for wastewater systems failures that are a direct result of certain wastewater system evaluations conducted by licensed soil scientists or licensed geologists.

This act became effective July 19, 2019.

H886 - Study Participation of Operators in NC Pre-K. (SL 2019-87)

S. L. 2019-87 directs the Department of Health and Human Services, Division of Child Development and Early Education, to study and report on the challenges faced in becoming an NC Pre-K site.

The act became effective July 8, 2019.

H934 - Right to Try Adult Stem Cell Treatments. (SL 2019-70)

Session Law 2019-70 allows patients with chronic or terminal diseases to receive adult stem cell treatment that is in clinical trials on humans, but has not yet been approved by the Food and Drug Administration. It also makes conforming changes to the existing Right to Try Act.

This became effective December 1, 2019, and applies to acts committed on or after that date.

S210 - Organ and Tissue Donation/Heart Heroes. (SL 2019-143)

S.L. 2019-143 removes the exclusion of tissue as an anatomical gift authorized by the placement of a symbol on the donor's driver license or identification card.

The act became effective October 1, 2019.

S252 - Dental Bill of Rights. (SL 2019-26)

S.L. 2019-26 amends the methods of claims payment for dental services, adds requirements for third party access to dental provider network contracts, and includes dental plans for purposes of coverage determinations.

This act became effective January 1, 2020, and applies to health benefit contracts issued, renewed, or amended on or after that date.

S297 - Cancer Research Advisory Panel. (SL 2019-145)

S.L. 2019-145 directs the North Carolina Policy Collaboratory at the University of North Carolina at Chapel Hill to assemble a research advisory panel to study and develop recommendations on how best to implement a research program to determine whether any cancer clusters exist within the State.

This act became effective July 19, 2019.

S302 - Update ACH Svc & Care Plan/Bd of Nursing. (SL 2019-180)

S.L. 2019-180 alters the requirements of the initial resident assessment conducted by adult care homes and allows the use of the Medicaid personal care services (PCS) assessment to satisfy the required resident assessment of physical functioning for activities of daily living (ADLs); amends the assisted living administrator qualifications; and amends the Nursing Practice Act by making a number of changes, many of which are technical and conforming or make the licensing process more efficient.

The changes to the Nursing Practice Act became effective October 1, 2019, and apply to licenses granted or renewed on or after that date and actions taken by the Board of Nursing on or after that date, the remainder of the act became effective July 26, 2019.

S359 - Born-Alive Abortion Survivors Protection Act. (Ratified)

As ratified, Senate Bill 359 would place additional explicit requirements on health care practitioners; create two new Class D felonies; and amend civil law, related to a failure to provide care to a child born as a result of an unsuccessful abortion.

Senate Bill 359 was ratified by the General Assembly on April 16, 2019, and vetoed by the Governor on April 18, 2019.

S444 - Allow Use of Oyster Shells As Serving Dishes. (SL 2019-141)

S.L. 2019-141 permits oyster shells to be re-used to serve cooked oysters.

This act became effective October 1, 2019.

S458 - Posttraumatic Stress Injury Awareness Day/Titus's Law/Data. (SL 2019-225)

S.L. 2019-225 does the following:

- Designates June 27th of each year as Posttraumatic Stress Injury Awareness Day in the State.
- Requires parental consent before disposing of fetal remains in every instance of unintended fetal death resulting from accidental injury, stillbirth, or miscarriage. If both parents are unable to consent within 7 days, the fetal remains are to be disposed of in accordance with applicable laws and regulations.
- Directs the disposal of fetal remains only by burial, cremation, or incineration in accordance with applicable laws and regulations.
- Authorizes engagement between various State agencies and third party toxicology laboratories to provide data to guide the delivery of drug treatment and law enforcement resources.

The section of this act addressing parental consent and the disposition of fetal remains became effective January 1, 2020 and applies to the disposition of fetal remains on or after that date. The remainder of the act became effective September 18, 2019.

S537 - Licensing & HHS Amends & Rural Health Stable. (SL 2019-240)

S.L. 2019-240 amended a wide range of laws in the health and human services area as outlined below.

- Establishes a new adult care home payment methodology.
- Amends the Licensed Professional Counselors Act effective January 1, 2020.
- Amends the Substance Abuse Professional Practice Act effective October 1, 2019, for licenses granted or renewed on or after that date and for applications for licenses on or after that date; the changes to the structure of the Board effective July 1, 2020.
- Amends the Social Worker Certification and Licensure Act effective January 1, 2021.
- Clarifies the Medicaid subrogation statute.
- Makes technical and clarifying changes to social services reform and the child support enforcement program effective July 1, 2020.
- Changes to the name of the Vocational State Rehabilitation Council.
- Repeals the Employee Assistance Professionals Article.
- Makes technical and conforming changes the adoption preplacement assessment.
- Expands immunity for cooperating in child abuse and neglect reports and assessments.
- Amends laws pertaining to Department of Health and Human Services law enforcement and the joint security force for various facilities.

- Adds a definition for "security recordings" to the mental health statutes.
- Makes a clarifying change to the NC REACH Program.
- Adds a definition for "Traumatic Brain Injury" to the mental health statutes.
- Adds a Continuing Care Retirement Community representative to the Medical Care Commission.
- Postpones the NC FAST Case-Management Functionality for child welfare and aging and adult services.
- Implements statutes pertaining to criminal history record checks for child care institutions.
- Makes technical and conforming changes to involuntary commitment statutes.
- Enacts statutes to address rural health care stabilization.

Except as outlined above, the remainder of this act became effective November 6, 2019.

S556 - GSC People First Language 2019. (SL 2019-76)

Parts I and II of S.L. 2019-76 implement People First drafting by changing the phrase "mental retardation" to "intellectual disability" or "intellectual or other developmental disability" in statutes relating to the provision of services and makes further People First language, technical, and clarifying amendments in those statutes.

Additionally, S.L. 2019-76 adjusts the General Statutes Commission (Commission) membership by:

- removing an appointment to the Commission by the dean of the Charlotte School of Law because of the school's closure;
- deleting a provision that applied only to the original appointments to the Commission and is now obsolete;
- adjusting the beginning and ending dates of appointments to the Commission to align more closely with the Commission's work year;
- resolving ambiguous language dealing with vacancies on the Commission and clarifies what procedure applies; and
- making conforming amendments to these changes.